

PATENT

Application # 10/618,995

Attorney Docket # 1039-002

REMARKS

The Examiner is respectfully thanked for the thoughtful consideration provided to this application. Reconsideration of this application is respectfully requested in light of the following remarks.

Claims 1-34 are now pending in this application. Claims 32-34 have been withdrawn. Each of claims 1, 2, and 31 are in independent form.

The Restriction Requirement

In response to paragraph 2 of the Restriction Requirement, applicant elects Species VI, claim 29 or claim 30. This election is made with traverse.

As an initial matter, applicant respectfully submits that 35 U.S.C 121 is only applicable if two or more independent and distinct inventions are claimed in one application. A *prima facie* showing of both requirements, and particularly the independence requirement, has not been made. For example, a relationship has been disclosed between the subject matter of each of the presented claims.

With regard to the alleged "species", there has been no reasonable showing that independent claim 2, from which each of the alleged species claims depend, is not allowable. Nor has there been a *prima facie* showing that the alleged species claims are patentably distinct with respect to claim 2 or with respect to each other. Further, applicant respectfully submits that the various alleged species claims comprise at least one common and patentable feature such that there would not be a substantial burden in searching all of the alleged species concurrently. Finally, applicant respectfully submits that the search and examination of the entire application can be made without serious burden, regardless of whether a proper showing of independent and distinct inventions can be made.

To the extent the Office Action requires "a listing of all claims readable thereon", Applicant respectfully requests provision of a clear and legally-supported definition for the term

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"readable" and provision of a clearly-defined antecedent for the term "thereon". Alternatively, Applicant respectfully submits that all pending claims of the application are readable on the elected species.

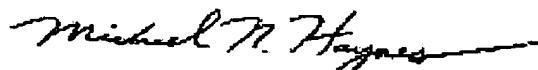
CONCLUSION

It is respectfully submitted that, in view of the foregoing amendments and remarks, the application as amended is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

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